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**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

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| RACHEL GASSO, on behalf of herself and all consumers similarly situated,<br><br>Plaintiffs,<br><br>v.<br><br>ALLSTAR MARKETING GROUP, INC., ALLSTAR MARKETING GROUP, LLC, ALLSTAR MARKETING CORP., and DOES 1-25, inclusive,<br><br>Defendants. | CASE NO. 3:07-cv-02235 BTM (BLM)<br><br>NOTICE AND MOTION FOR REMAND TO STATE COURT AND MOTION FOR COSTS ON GROUNDS OF DEFECTIVE REMOVAL<br><br>**[Per chambers, no oral argument unless requested by the Court]**<br><br>Hearing<br>Date: January 25, 2008<br>Time: 11:00 a.m.<br>Courtroom: 15, 5th Floor<br>Dept.: Courtroom of the Honorable Barry Ted Moskowitz |

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on January 25, 2008, at11:00 a.m., or as soon thereafter as counsel may be heard, in the Courtroom of the Honorable Barry Ted Moskowitz of the United States District Court for the Southern District of California (Courtroom 15, 5th Floor), located at 940 Front Street, San Diego, California 92101-9800, plaintiffs will, and hereby do, move the Court for an order remanding the above-entitled cause from the United States District Court for the Southern District of California to the Superior Court of the State of California, County of San Diego, from which it was removed on or about November 26, 2007, pursuant to the defendants' Notice of Removal.

**PLEASE TAKE FURTHER NOTICE** that the plaintiffs will advance the following grounds in support of the motion.: This action was improperly removed, and the United States District Court, Southern District is without subject matter jurisdiction under 28 U.S.C. § 1332(d)(2), any other statute, or the Constitution of the United States.

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, plaintiffs will rely upon the Memorandum of Points and Authorities, the Declaration of Lee T. Patajo, Esq., and all other papers heretofore filed and served with regard to this action.

**PLEASE TAKE FURTHER NOTICE** that at the same time and place, plaintiffs will move for an award of costs and attorney's fees in accordance with 28 U.S.C. § 1447(c).

LAW OFFICES OF ALEXANDER M. SCHACK

Dated: December 18, 2007

"s/Alexander M. Schack"
Alexander M. Schack, Esq.
Attorneys for Plaintiff Rachel Gasso and the Plaintiff Class